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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,581	04/20/2001	Fred Allegrezza	03224.0001UI	1423
23859	7590	10/06/2005	EXAMINER	
NEEDLE & ROSENBERG, P.C.			SRIVASTAVA, VIVEK	
SUITE 1000			ART UNIT	
999 PEACHTREE STREET			PAPER NUMBER	
ATLANTA, GA 30309-3915			2617	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/839,581

Applicant(s)

ALLEGREZZA, FRED

Examiner

Vivek Srivastava

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24, 49 and 50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24, 49 and 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Claim 16** recites the limitation "the directory information" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim because claim 16 depends on claim 14 which fails to recite directory information.

It is noted that claim 16 should depend on claim 15.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1- 24, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youden et al (US 5,815,146 – cited by Applicants) in view of Duso et al (US 5,892,915).**

**Regarding claims 1, 13, 49 and 50,** Youden discloses a system and method for retrieving data distributed across a plurality of storage devices comprising a plurality of data source processors 100 (see fig 2 and fig 5) which are assigned to handle a user's request by processing the requested data in data source processor 100. Youden discloses a switch 70 arranged between processors 100 and storage devices 92 (see fig 2). Requested data, retrieved from storage devices 92, are independently routed from storage devices 92 to data source processors 100 via switch 70 (see fig 2).

Youden fails to disclose the switch independently routes a request for retrieving data from the designated processor directly to the storage devices containing the requested data. In other words, Youden is silent with regarding to assigning a data source processor for handling a user's request by sending the request from the data source to the data storage subsystem 100 as requests for retrieving data is handled by control system 50 and real time controller 60.

In analogous art, Duso teaches VOD system (col 22 lines 54 – 65, col 23 lines 6 – 63) in which a control server assigns a stream server to a network client requesting a multimedia service (see col 6 lines 46 – 57) in which a stream server handles client's requests.

It would have been obvious to one skilled in the art assigning a processor or server for handling a user's request would have reduced the load and burden on the

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control server. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Youden to include assigning a data source processor for handling user's request's as claimed for the benefit of reducing the load and burden on the real time controller 60 and control system 50.

**Regarding claims 2 and 14**, the combination of Youden and Duso disclose the claimed resource manager for designating a processor to handle a request, based on the load on each processor (see Youden – col 10 lines 14 – 22, Duso – col 28 lines 16 – 50).

**Regarding claims 3 and 15**, the combination of Youden and Duso discloses the claimed routing the request (as discussed above) and wherein Duso discloses the processor i.e. stream server obtains directory information (see col 18 lines 30 – 30 – 45).

**Regarding claims 4 and 16**, the combination of Youden and Duso fails to disclose the processor obtains the directory information from the storage devices. Official Notice it would have been well known to obtain a directory information from a storage device to quickly and accurately determine the contents stored on the storage device. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Youden and Duso to include the claimed limitation for the benefit of quickly and accurately determining what is stored on the storage device by retrieving the information form the device itself.

**Regarding claims 8 and 20**, Youden discloses video on demand system which transmits video data streams (see Abstract, col 5 lines 43 – 55).

**Regarding claims 9, 10, 21 and 22** Youden discloses RAID format among the disks (see col 8 lines 60 – 65).

**Regarding claims 11, 12, 23 and 24** the combination of Youden and Duso discloses the claimed limitation, wherein Duso discloses the claimed high speed ATM network (see 'ATM switch network 25' in fig 2).

**Regarding claims 5 – 7 and 17 – 19**, Youden discloses a plurality of networks connecting switch 70 to the plurality of data storage subsystems 92, but the combination of Youden and Duso fails to disclose at least one high speed network connected to the storage devices and arranged between the switch and the storage device, wherein the switch accommodates a plurality of high speed networks to the connected storage devices and wherein the high speed network is a fiber channel network, a SCSI network or an Ethernet network.

Official Notice is taken the use of a fiber channel network, SCSI network or Ethernet network provides high speed data transfer. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Youden and Duso to include the claimed high speed networks for the benefit of achieving higher data transfer rates.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Saxena et al (US 5,805,821) – Video optimized media streamer

De Vos et al (US 6,128,650) – Video service system

Kuno (US 6,212,682) – Sound/moving picture reproducing system

Doyle et al (US 6,055,315) – Distributed scrambling method

The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

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Registration Number: \_\_\_\_\_

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs



VIVEK SRIVASTAVA  
PRIMARY EXAMINER